

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

UNITED STATES OF AMERICA

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vs.

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Criminal No.: RWT-12-0086

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WAYNE GLYMPH

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MOTION TO SUPPRESS TANGIBLE EVIDENCE AND DERIVATIVE EVIDENCE

The defendant, Wayne Glymph, by and through his attorney, Alan R. L. Bussard, hereby respectfully moves this Honorable Court, pursuant to Rule 12(b)(3) of the Federal Rules of Criminal Procedure, to suppress any and all tangible evidence and derivative evidence, which the government obtained from an unlawful search and seizure of the defendant's residence on or about February 23, 2012, at 7200 Jaywick Avenue, Apt. 324, Ft. Washington, Maryland, and in support of the motion alleges as follows:

1. The defendant is charged in a multi-defendant Indictment with Conspiracy to Distribute and Possess with the Intent to Distribute Controlled Substance in violation of Title 21 U.S.C., § 846.

2. The charges arise from an investigation initiated in September, 2010 into the alleged criminal activities of Samuel Braxton and others.

3. On or about February 17, 2012, SA L. Patrick Gray, Drug Enforcement Administration, applied for a search warrant for the search of 7200 Jaywick Avenue, Apt. 324, Ft. Washington, Maryland. Thereafter, a search warrant was issued by the Hon. William Connelly, United States

Magistrate Judge for the United States District Court for Maryland. The search of said premises was executed on or about the February 23, 2012.

4. In the Affidavit in support of the Application for the above referenced Search Warrant, the Affiant, SA Gray in attempting to establish probable cause for the search of 7200 Jaywick Avenue, Apt. 324, Ft. Washington, Maryland, noted that Mr. Glymph's Maryland driver's license listed the same address. He also reported that a white Land Rover, MD license plate number 48084CA, referenced in the Affidavit as Vehicle C, was associated with Mr. Glymph and reportedly observed at the Ft. Washington location. The phone numbers associated with Mr. Glymph and referenced in the Affidavit, were cellular telephones, subscribed to Mr. Glymph at his address in the District of Columbia. The Affidavit is otherwise devoid of any information that would provide a nexus between Mr. Glymph's alleged illegal drug activity and the residence at 7200 Jaywick Avenue, Apt. 324, Ft. Washington, Maryland.

5. The defendant asserts through undersigned counsel that all items seized from the residence at 7200 Jaywick Avenue, Apt. 324, Ft. Washington, Maryland should be suppressed for use against the defendant at trial on grounds that probable cause was lacking to believe that the suspected evidence would be found at the Ft. Washington location.

6. No valid consent was given to search the premises and seize any such items during the afore-described search.

6. Any such items obtained as a result of the unlawful search must be suppressed.

WHEREFORE, the Defendant moves this Honorable Court to suppress any tangible evidence and derivative evidence unlawfully seized at the time of the arrest.

Respectfully submitted,

/s/

Alan R. L. Bussard
405 Allegheny Avenue
Towson, Maryland 21204
(410) 821-5589
Attorney for Defendant

STATEMENT OF GROUNDS AND AUTHORITIES

Rule 12, Federal Rules of Criminal Procedure

U.S. Const. amend. IV

Request for Hearing

The Defendant, pursuant to Rule 105.6 of the local rules of the United States District Court for the District of Maryland, requests a hearing on the foregoing Motion.

/s/

Alan R. L. Bussard

CERTIFICATE OF SERVICE

I HEREBY CERTIFY, that on this 24th day of August, 2012, a copy of the foregoing Motion to Suppress Tangible Evidence and Derivative Evidence was electronically filed with the Clerk of the United States District Court using CM/ECF, with a notice of said filing to the following :

Steven Swaney, Esquire
Office of the U.S. Attorney
6500 Cherrywood Lane
Greenbelt, Maryland 21770

_____/s/_____
Alan R. L. Bussard